

MICHIGAN DEPARTMENT OF ATTORNEY GENERAL
Bill Schuette
Michigan Attorney General

Hearing Date and Time: November 17, 2011 at 9:00 a.m.

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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT
OF NEW YORK**

In re:

DPH HOLDINGS CORP., *et al*
Reorganized Debtors.

Court No. 05-44481

ACE AMERICAN INSURANCE COMPANY
and PACIFIC EMPLOYERS INSURANCE
COMPANY,

Chapter 11

Case No. 05-44481 (RDD)

Plaintiffs,

(Jointly Administered)

DPH HOLDINGS CORP., *et al*
Cross-claim Plaintiff

vs.

DELPHI CORPORATION; STATE OF
MICHIGAN WORKERS' COMPENSATION
INSURANCE AGENCY; and STATE OF
MICHIGAN FUNDS ADMINISTRATION,
Defendants.

Adversary Proceeding
No. 09-01510-r

**AFFIDAVIT OF RICHARD SMITH IN SUPPORT OF MICHIGAN DEFENDANTS'
RESPONSE TO AMENDED MOTION FOR JOINDER OF PARTIES AND AMENDED
MOTION OF JAMES GRAI PURSUANT TO SECTION 362 OF THE BANKRUPTCY
CODE TO MODIFY AUTOMATIC STAY**

1. I, Richard Smith, having been duly sworn, deposes and says that I am the

Administrator of the Michigan Self-Insurers' Security Fund (SISF). In this role, I routinely review and monitor all claims filed against the SISF seeking payment of workers' compensation benefits.

2. I am aware of and routinely monitor all claims filed against the SISF by former employees of Delphi Corporation.

3. In monitoring these claims filed by former Delphi Corporation employees, the SISF reviews the injury dates and other factors of the claim to determine which entity possesses the potential liability: Ace American Insurance Company and Pacific Employers Insurance Company (Ace/Pacific); the SISF; or, General Motors Corporation.

- a. The potential liability of Ace/Pacific is based on their submission of Notices of Insurance Coverage to the Michigan Worker's Compensation Agency, known as Form 400s, for Delphi Corporation, for the following time periods: October 1, 2000 through September 30, 2002 and October 1, 2003 through September 30, 2009.
- b. The potential liability of the SISF is based on the self-insured status of Delphi Corporation for all time periods in which there is no other source of payment, which is limited to the time periods of May 29, 1999 through September 30, 2000 and October 1, 2002 through September 30, 2003.
- c. The potential liability of General Motors is based on either historical claims that pre-date Delphi Corporation's spin-off or on General Motors' purchase of certain locations from Delphi Corporation, combined with subsequent assumption of workers' compensation obligations.

4. I was asked to review the names contained on the "List of Movants" supplied by James Grai in support of his "Amended Motion for Joinder of Parties" to determine which entity possessed the potential liability for each claim. In completing this review, I discovered the following:


- a. There is a total of 205 individuals named on the "List of Movants";
- b. Of the 205 individuals, three claims are currently being paid by the SISF:
 - (1) Mary Enriquez;
 - (2) Dayton Goodrich; and,
 - (3) Sharayal Johnson;
- c. Of the remaining 202 individuals, 104 claims fall within the liability assumed by General Motors, and the claims are either being paid or litigated, by General Motors:
 - (1) Claudia Abner;
 - (2) Gloria Acker;
 - (3) Steve Anderson;
 - (4) Kevin Ashley;
 - (5) Roy Baldwin;
 - (6) Julie Bark;
 - (7) Della Barbosa;

- (8) Brenda Beard;
- (9) Alvin Benavides;
- (10) Larry Block;
- (11) Spencer Breamsey;
- (12) Emma Chambers;
- (13) Andrew Chernow;
- (14) Debra Cox;
- (15) Maggie Crumpton;
- (16) Vanessa Dendy;
- (17) Peter Diaz;
- (18) Doris Dobyne;
- (19) Crystal Drake;
- (20) Michael Driscoll;
- (21) Lynette Earegood;
- (22) Declan Ellis;
- (23) Claudine Fife;
- (24) Julius Fodo;
- (25) Henderson Foster;
- (26) James Gage;
- (27) Faye Gillerson;
- (28) Kimberly Gould;
- (29) Linda Groulx;
- (30) Gordon Guymmer;
- (31) Randall Hall;
- (32) Scott Harder;
- (33) Roy Helminick;
- (34) Mary Hunter;
- (35) Linda Jones;
- (36) Tammy Killingbeck;
- (37) Vera King;
- (38) Nicodem Krasinski;
- (39) Scott LaFramboise;
- (40) Shelly Lambert;
- (41) Delphine Layton;
- (42) Pablo Lopez;
- (43) Thomas Lutenske;
- (44) Callie Mack;
- (45) Claude Macom;
- (46) Daniel Malusi;
- (47) Constance Masters;
- (48) Carlton McCuiston;
- (49) Michael McKellar;
- (50) Thomas Metiva;
- (51) Larry Miller;
- (52) Debra Mink;
- (53) Dale Mize;

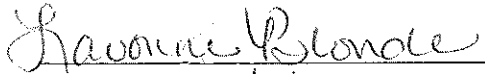
- (54) William Montgomery;
- (55) Shirley Murry;
- (56) Juliann Nickoloff;
- (57) Maria Ortega;
- (58) Robert Ostash;
- (59) Carol Paciorek;
- (60) Barbara Parker;
- (61) Bonnie Patterson;
- (62) Beth Perez;
- (63) Maureen Pierce;
- (64) Greg Pobocik;
- (65) Mary Potts;
- (66) Edward Quarderer;
- (67) Robert Raab;
- (68) Donald Reinhardt;
- (69) Paul Reis;
- (70) Michael Richards;
- (71) Paulette Rigda;
- (72) Barbara Ross;
- (73) Jeanie Running;
- (74) Cynthia Russell;
- (75) Robert Sabo;
- (76) Leila Salo;
- (77) Alma Sanders;
- (78) Yvonne Sanders;
- (79) Doris Scott;
- (80) Suzanne Sherwood;
- (81) Menort Sims;
- (82) Corrine Smith;
- (83) Laura Smith;
- (84) Stephanie Smith;
- (85) Terrence Snook;
- (86) Shirley Snowden;
- (87) Michael Spear;
- (88) James Stacy;
- (89) James Stohpaul;
- (90) Michael Taylor;
- (91) Katie Townsend;
- (92) Alan Trisch;
- (93) William Tunney;
- (94) David Vinton;
- (95) Nick Wagner;
- (96) Judy Weathers;
- (97) Glendale Weidner;
- (98) Elaine Welch;
- (99) James Weston;

- (100) Cynthia White;
- (101) Robert Whitting;
- (102) Gregory Willis;
- (103) Henrietta Wilson; and,
- (104) Gary Zieroff.

d. The remaining 98 individuals appear to have dates of injury that place them within the potential liability of Ace/Pacific.


Richard Smith

Subscribed and sworn to before me
On November 14, 2011.


exp 11/10/2017